

State of California



**Fair Political Practices Commission**

**SUPERSEDED**

by: 18215(c)(4)

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance  
(916) 322-5662

• • Administration • •  
322-5660

Executive/Legal • •  
322-5901

Enforcement • •  
322-6441

Statements of Economic Interest  
322-6444

March 15, 1985

Honorable Mike Roos  
Majority Floor Leader  
California State Assembly  
600 So. New Hampshire Avenue  
Los Angeles, CA 90005

Re: Your Request for Advice  
Our No. A-85-057

Dear Assemblyman Roos:

You have written requesting our advice as to whether you should report the production costs of a brochure as an in-kind contribution to the Mike Roos for Assembly Committee from the Nissan Motor Corporation. Nissan paid less than \$500 for production of roughly 2,000 brochures. You have attached a copy of the brochure for our review. The brochure is for distribution to citizens in your district at a Crime Prevention Seminar and states that the program is co-sponsored by yourself and Nissan.

It is our advice that you should report the production costs for the brochure as an in-kind contribution. The Commission's regulation, 2 Cal. Adm. Code Section 18215 provides in pertinent part as follows:

(a) A contribution is any monetary or nonmonetary payment made for political purposes for which full and adequate consideration is not made to the donor. A payment is made for political purposes if it is:

\* \* \*

(2) Received by or made at the behest of:

(A) A candidate, unless it is clear from surrounding circumstances that the payment was received or made at his or her behest for personal purposes unrelated to his or her candidacy or status as an office

Honorable Mike Roos  
March 15, 1985  
Page 2

holder. The term "payment" includes the candidate's own money or property used on behalf of his or her candidacy;

\* \* \*

(b) "Made at the behest" means a payment made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, or at the request or suggestion of a candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes.

\* \* \*

(Emphasis added.)

The payment by Nissan was made "... in cooperation, consultation, coordination, or concert with ..." you as co-sponsor, and, as an incumbent you are considered to be a "candidate." See Government Code Section 82007.

Should you or your committee have any questions regarding this advice, I may be reached at (916) 322-5901.

Sincerely,

Robert E. Leidigh  
Counsel  
Legal Division

REL:plh  
Enclosure

SACRAMENTO ADDRESS  
STATE CAPITOL  
SACRAMENTO 95814  
(916) 445-7644

DISTRICT OFFICE ADDRESS  
600 SO. NEW HAMPSHIRE AVE.  
LOS ANGELES, CA 90005  
(213) 386-8042

# Assembly California Legislature

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ELECTIONS, REAPPORTIONMENT  
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MANAGEMENT COMMITTEE

MIKE ROOS  
MAJORITY FLOOR LEADER  
ASSEMBLYMAN, FORTY-SIXTH DISTRICT

March 1, 1985  
Los Angeles

Ms. Carla Wardlow  
Fair Political Practices Commission  
Technical Assistance Division  
1100 K Street, P.O. Box 807  
Sacramento, CA 95804

Dear Ms. Wardlow:

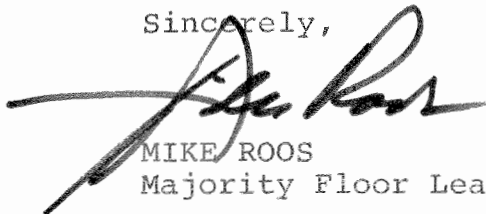
Thank you for researching on my behalf the issue brought to you by Mr. Eric Schockman.

I am enclosing a copy for your review of the brochure in question. Specifically, I wish to know if I must report as an in-kind contribution to the Roos for Assembly Committee the reproduction costs that Nissan Motor Corporation payed for this brochure? Must Nissan file a similar report as a political contribution?

By the way, the total reproduction costs for roughly 2,000 of these brochures came to under \$500.00.

Please let me know the conclusion you have reached at your earliest convenience.

Sincerely,



MIKE ROOS  
Majority Floor Leader

MR:es:p

Enclosure